

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

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BERNADINE T. GRIFFITH,  
Plaintiff

v.

CIVIL ACTION NO.:  
03-12573-EFH

ONEBEACON INSURANCE COMPANY,  
ONEBEACON AMERICA INSURANCE  
COMPANY, MICHAEL A. SISTO and  
KAREN ALLEN HOLMES,  
Defendants.

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**ORDER**

December 22, 2005

HARRINGTON, S.D.J.

Upon review of the Defendants' Motion for Summary Judgment and the Plaintiff's response thereto, the Court rules as follows: The Court grants said Motion as to Counts I, II, III, IV, V, VI and VII and denies said Motion as to Counts VIII, IX, X and XI. It is noted that Count VIII is virtually the same as Count I but against the corporate defendants only; that Count IX is virtually the same as Count II but against the corporate defendants only; that Count X is virtually the same as Count III but against the corporate defendants only; and that Count XI is virtually the same as Count IV but against the corporate defendants only.

There is no evidence of age discrimination or retaliation under the Age Discrimination in Employment Act of 1967 or for breach of the express or implied contract.

In view of this ruling, the plaintiff shall proceed against the corporate defendants only on the claims of disability discrimination, racial discrimination and retaliation under both the Americans with Disabilities Act and under Title VII of the United States Code.

SO ORDERED.

/s/ Edward F. Harrington  
EDWARD F. HARRINGTON  
United States Senior District Judge